

-PS-O-

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

DARYL GOODWIN, #226223,

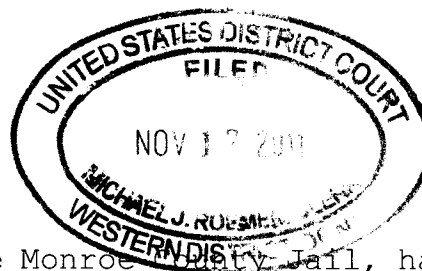
Plaintiff,

-v-

11-CV-0748JJM
ORDER

P.O. CHARLES LOTEMPPIO,
P.O. G. PERSON, P.O. LUCERO,
JOHN DOE, CITY OF ROCHESTER and
ROCHESTER POLICE DEPARTMENT,

Defendants.



Plaintiff, who is incarcerated in the Monroe County Jail, has requested permission to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915(a) and has both met the statutory requirements and furnished the Court with a signed Authorization. Accordingly, plaintiff's request to proceed as a poor person is hereby granted. In addition, plaintiff's amended complaint has been screened by the Court with respect to the 28 U.S.C. §§ 1915(e) and 1915A criteria.

Plaintiff has clarified that his amended complaint's second claim should indicate that his bedroom was searched without a warrant. Claim number two is deemed amended to state that his room was searched without warrant.

Plaintiff has filed a request for a preliminary injunction and a temporary restraining order (Docket # 2). However, plaintiff has not indicated what relief he seeks. The motion is, therefore, denied without prejudice to refile with a request for the relief he seeks.

Plaintiff has also requested appointment of counsel (Docket # 3). There is insufficient information before the Court at this time to make the necessary assessment of plaintiff's claims under the standards promulgated by Hendricks v. Coughlin, 114 F.3d 390, 392 (2d Cir. 1997), and Hodge v. Police Officers, 802 F.2d 58 (2d Cir. 1986), as issue has yet to be joined. Therefore plaintiff's motion for appointment of counsel is denied without prejudice at this time. It is the plaintiff's responsibility to retain an attorney or press forward with this lawsuit *pro se*. 28 U.S.C. § 1654. Plaintiff must determine the identity of the John Doe Officer he seeks to sue through the discovery process and then amend his complaint to name the officer and have him served within the statute of limitations.

The Clerk of the Court is directed to file plaintiff's papers, and to cause the United States Marshal to serve copies of the Summons, Amended Complaint, and this Order upon the named defendants without plaintiff's payment therefor, unpaid fees to be recoverable if this action terminates by monetary award in plaintiff's favor.

Pursuant to 42 U.S.C. § 1997e(g)(2), the defendants are directed to answer the complaint.

SO ORDERED.

S/ MICHAEL A. TELESKA
MICHAEL A. TELESKA
United States District Judge

Dated: November 16, 2011
Rochester, New York